

BARROW
CIVIL DOCKET

70-C-183

UNITED STATES DISTRICT COURT

Jury demand date:

12

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

M. & S. Enterprises, Inc., an Oklahoma Corporation

VS

Tartan Motor Inns, Inc., a Delaware Corporation; Angelo Dispirito; Wade H. Littrell; and Cody W. Ice

For plaintiff:

Stan P. Doyle ⁵⁸⁷⁻²²³⁵
~~Suite 1600, 4th Natl Bank Bldg~~
Tulsa, Okla, 74119 74104
1843 E. 15th (932-4661)

For defendant:

Maurice W. Covert (for Cody W. Ice)
109 N. Grand
Houston, Missouri 65483
417 967-2433

auth'd 11-28-72
~~David F. James & Jerry R. Nichols~~
~~Kothe and Eagleton, Inc.~~ *for 20*
~~204 Philtower Bldg.~~
~~Tulsa, Oklahoma 74103~~

Donald B. Kramer
722 Chestnut
St. Louis, Mo. 63101 (Littrell)

Irvine E. Ungerman ⁵⁸⁴⁻⁶¹⁰¹
625 Wright Building (Littrell)
Tulsa, Okla. 74103

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-1-70	Clerk	1970			
		6-15	Doyle	15 00	
J.S. 6 mailed ⁶⁻¹⁻⁷³ 10-1-70	Marshal	6-18	CD No 54		15 00
Basis of Action:	Docket fee				
money damages, and breach of contract	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-15-70	Complaint filed and summons issued. ds	
6-19-70	Summons, returns & filed: served Tartan Motor Inns, Inc. at Wilmington, Del., on 6-17-70. (USM \$4.00)g	
6-19-70	Summons, returned unserved and filed: Angelo Disprito now deceased. (USM \$1.00)g	
7-2-70	Summons returned, filed -Cody W. Ice served at Houston, Missouri on 6-25-70. (\$ 15.64) b	
7-14-70	Motion to Dismiss, filed. js (Brief filed in 10 days) (by Cody Ice)	
7-24-70	Return on summons, filed. Served Wade Litrell at Poplar Bluff, Mo. on 7-11-70(\$41.08) Endeavored to serve Wade H. Littrell in Rhode Island, on 7-6-70. (\$8.20) ds	
7-24-70	Application and order granting deft. Cody W. Ice 15 days from 7-24-70 to answer or plead, filed. (JHP-Clerk)m	
7-30-70	Separate Answer of Wade H. Littrell, filed. ds	
8-7-70	Motion for more definite statement and Brief in support of Motion filed by defendant Cody W. Ice., Filed. v	
8-7-70	It is ordered by the Court that plaintiff is granted 10 days from this date to respond to defendant's Motion for more definite statement. (AEB-J)v	
8-11-70	Response to Deft Ice's motion for a more definite statement, Brief in Support of Response, filed. v	
8-27-70	Order overruling Cody W. Ice's Motion to Dismiss, (AEB-J)v Filed and Entered.	
8-27-70	Order overruling Cody W. Ice's motion for a more definite statement, filed. (Allen E. Barrow - Judge) b copies mailed.	
9-9-70	Application for additional time to plead or answer and to allow co-counsel, filed. m	
9-9-70	Order that deft. Cody W. Ice is granted an additional 15 days from 9-8-70 to plead or answer, filed. (AEB-J)m (parties notified) (part of application)	
9-23-70	Answer of Cody W. Ice, filed. ds (with counterclaim)	
1-12-71	Plaintiff's demand for judgment against Tartan Motor Inns., Inc., a Delaware corporation, filed. b	
1-12-71	Affidavit of default of Tartan Motor Inns, Inc., a Delaware corporation, filed. b	
1-12-71	Entry of default judgment by the Clerk of the Court, plaintiff recover \$12,500.00 with costs, filed, as against Tartan Motor Inns, Inc., a Delaware corporation.	
3-30-72	Parties directed to hold pre-trial prior to 5/1/72 and file PT order not later than 5/10/72. (AEB-J) rm	
5-1-72	Request for extension of time to complete pre-trial, filed. hm	
5-2-72	Parties granted to 6/15/72 to file PT Order. (AEB-J) rm-copies mailed	
6-19-72	Pretrial order, filed. (AEB-J)hm	
9-18-72	Case set for Non/Jury trial on Thurs. Oct. 12, 1972 at 10:00 am.(AEB-J)h	
9-27-72	Case stricken from N/J docket of Oct. 12, 1972 to be set at later date.(AEB-J)h	
11-15-72	Motion for Order Allowing Attorney to withdraw as atty of Record filed by David F. James, Atty. h	
11-28-72	Order allowing atty David James to withdraw as atty of record for def. Cody Ice. (AEB-J)rm - copies mailed	
1-26-73	Ordered by the Court that this Case is set for Non-Jury Trial on 2-6-73, at 10:00 A.M. (AEB-J)v -notices mailed.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-29-73	Appl. for Special Trial Setting, filed by both parties. v -order	to Judge.
2-1-73	Case stricken from N/J docket of 2-6-73 and reset for N/J trial on Wednesday, 3-21-73 1973 at 10:00 am. (AEB-J)h <i>copies mailed</i>	
2-1-73	Order filed that upon application of parties case set for non-jury trial on Wed. Feb. 21, 1973 at 10:00 am (AEB-J)h	
2-2-73	Return on subpoena <i>3-21-73</i> duces tecum filed. Served Bob Rathe on 2-2-73 at Tulsa, Oklahoma. ds	
2-14-73	It is ordered that this case is stricken from docket of 2-21-73 and reset for Non/Jury trial on Tues. March 6, 1973 at 10:00 am. (AEB-J)h	
3-6-73	Case called for non-jury trial. All parties present and rep. except def. Cody Ice. Parties present testimony w/witnesses. Deft Littrell's mo/strike pltf. Exhs. 1-12 is denied. Ct. directs parties to file proposed FF & CL & Judgment within 10 days (due 3-16-73) (AEB-J)rm	
3-6-73	Pltf.'s exhibits 1 - 12, filed. rm	
3-14-73	Proposed FF & CL of pltf., filed. rm - copy to M.	
3-16-73	Deft.'s Proposed Findings of Fact and Conclusions of Law, filed. jj <i>orig. to Plaintiff</i>	
5-15-73	Findings of fact, conclusions of law and judgment, filed and entered, that pltf. have and recover judgment against Tartan Motors Inn, Cody W. Ice and Wade H. Littrell in amount of \$12,500; that pltf. recover of def. Cody W. Ice the amt of \$2125, which include court costs and atty fees; that counterclaim and cause of action of Cody W. Ice be dismissed w/prej. for failure to prosecute. (AEB-J)rm - copies mailed	
5-23-73	Motion of def. Littrell for new trial, w/memo in support thereof, filed. rm	
5-23-73	Ordered that pltf. is granted 10 days in which to respond to def. motion for new trial. (AEB-J)rm - ltr written	
5-30-73	Pltf's Response to Deft. Littrell's Mtn. for New Trial, filed. jj	
5-30-73	Memorandum in Support of Pltf's Response to Deft. Littrell's Motion for New Trial, filed. jj	
6-27-73	Order, filed, overruling motion for new trial that was filed by Deft. Wade H. Littrell. (AEB-J)v -copies mailed.	

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